

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHAEL DEAN ADKISSON,

Case No.: 2:14-cv-01934-APG-CWH

Petitioner

**ORDER**

v.

D.W. NEVEN, et al.,

Respondents

Before the court are several motions by petitioner Michael Dean Adkisson. The Federal Public Defender (FPD) previously represented Adkisson in this case, and the counseled, second-amended petition is fully briefed on the merits (*see* ECF Nos. 28, 49, 60). The court granted a second stay in this case in November 2019, while Adkisson, represented by the FPD, returned to state court (ECF No. 91). Contemporaneously with a motion to reopen the case, the FPD moved to withdraw from the case, explaining that he and Adkisson had a fundamental disagreement about how to proceed and that there had been an irrevocable breakdown of the attorney-client relationship that resulted in an actual conflict of interest (ECF No. 96). The FPD indicated that Adkisson urged him to file another amended petition, but counsel explained his reasons for not further amending the petition. The court granted the motion to withdraw (ECF No. 99).

Adkisson, now proceeding pro se, has filed a motion for discovery (ECF No. 102). Under the Rules Governing § 2254 cases, “A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery.” He seeks district attorney’s office records that allegedly exist regarding 2004 plea negotiations. The request relates to a claim that has been fully briefed on the merits since October 2017 (*see* ECF

1 Nos. 49, 60). Adkisson has not demonstrated good cause for this request at this late date, and the  
2 motion is denied.

3 Adkisson has also filed a motion for leave to file a third-amended petition (ECF No.  
4 109).<sup>1</sup> Adkisson seeks to add one ground – the claim he recently returned to state court to litigate  
5 unsuccessfully. With the second-amended petition long fully briefed, the court is unlikely to  
6 grant leave to add another claim for relief. However, the court directs respondents to respond to  
7 the motion for leave.

8 I THEREFORE ORDER that petitioner's first motion for leave to file supplemental claim  
9 (ECF No. 101) is **DENIED**.

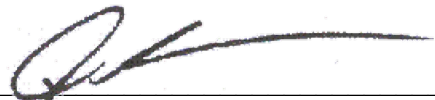
10 I FURTHER ORDER that petitioner's motion for discovery (ECF No. 102) is **DENIED**.

11 I FURTHER ORDER that, within **21 days** of the date of this order, **respondents file a**  
12 **response** to petitioner's second motion for leave to file an amended petition at ECF No. 109.

13 I FURTHER ORDER that petitioner file a reply in support of his motion, if any, within  
14 **14 days** of service of respondents' response.

15 I FURTHER ORDER that petitioner's two motions for extension of time to file the  
16 motion for leave to file an amended petition (ECF Nos. 103 and 105) are both **GRANTED** *nunc*  
17 *pro tunc*.

18  
19 Dated: January 25, 2022

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22 U.S. District Judge Andrew P. Gordon

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1 Adkisson originally filed a motion for leave to file supplemental claim, without attaching any proposed claim or amended petition (ECF No. 101). This motion is denied.